

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
NO. 5:12-CR-1-D

UNITED STATES OF AMERICA)
)
 v.)
)
RICKY LAMONT CONGLETON)

**FINAL ORDER OF FORFEITURE
IN RESPECT TO REAL PROPERTY**

WHEREAS, on February 21, 2012, this Court entered a Preliminary Order of Forfeiture pursuant to the provision of 18 U.S.C. § 981(a)(1)(C), as made applicable by Title 28 U.S.C. § 2461, based upon the defendant pleading guilty to 18 U.S.C. § 1349, and agreeing to the forfeiture of the property listed in the February 21, 2012 Preliminary Order of Forfeiture, to wit:

- Kivett Road Townhomes located in the Town of Buies Creek, City of Lillington, Harnett County, North Carolina, consists of a 1.87 acre lot which contains sixteen (16) townhomes and a 1.49 open/common area lot. The townhomes, which are also known as the Meadows at Buies Creek, are comprised of four (4) separate buildings with each building containing four (4) townhomes.

There is one entrance/exit to a parking lot located in front of the townhomes from Kivett Road. For a complete description see attached Exhibit 'A'.

The General Warranty Deed for all seventeen (17) properties is in the name of Triple R Enterprise, LLC, 5 West Hargett Street, Suite 1000, Raleigh, North Carolina 27601. All sixteen townhomes are on the same North Carolina General Warranty Deed, located within Deed Book 2197, Page 786. The townhomes also can be located on Plat Book 2008, Page 791. The Harnett County property tax records for these properties are also listed under the name of Triple R Enterprise, LLC. A list of these properties is documented below:

1. 35 Kivett Road, Harnett County, NC 27546
Lot 1; Deed Book 2197, Page 786
PIN on Property Tax statement: 0670-85-8321-000
2. 39 Kivett Road, Harnett County, NC 27546
Lot 2; Deed 2197, Page 786
PIN on Property Tax statement: 0670-85-8323.000
3. 43 Kivett Road, Harnett County, NC 27546
Lot 3; Deed 2197, Page 786
PIN on Property Tax statement: 0670-85-8336.000

4. 47 Kivett Road, Harnett County, NC 27546
Lot 4; Deed 2197, Page 786
PIN on Property Tax statement: 0670-85-8338.000
5. 53 Kivett Road, Harnett County, NC 27546
Lot 5; Deed 2197, Page 786
PIN on Property Tax statement: 0670-85-8389.000
6. 57 Kivett Road, Harnett County, NC 27546
Lot 6; Deed 2197, Page 786
PIN on Property Tax statement: 0670-85-9308.000
7. 61 Kivett Road, Harnett County, NC 27546
Lot 7; Deed 2197, Page 786
PIN on Property Tax statement: 0670-85-9328.000
8. 65 Kivett Road, Harnett County, NC 27546
Lot 8; Deed 2197, Page 786
PIN on Property Tax statement: 0670-85-9348.000
9. 73 Kivett Road, Harnett County, NC 27546
Lot 9; Deed 2197, Page 786
PIN on Property Tax info: PIN 0670-95-0316.000
10. 77 Kivett Road, Harnett County, NC 27546
Lot 10; Deed 2197, Page 786
PIN on Property Tax info: PIN 0670-95-0346.000
11. 81 Kivett Road, Harnett County, NC 27546
Lot 11; Deed 2197, Page 786
PIN on Property Tax info: PIN 0670-95-0366.000
12. 85 Kivett Road, Harnett County, NC 27546
Lot 12; Deed 2197, Page 786
PIN on Property Tax info: PIN 0670-95-0385.000
13. 91 Kivett Road, Harnett County, NC 27546
Lot 13; Deed 2197, Page 786
PIN on Property Tax info: PIN 0670-95-1333.000
14. 95 Kivett Road, Harnett County, NC 27546
Lot 14; Deed 2197, Page 786
PIN on Property Tax info: PIN 0670-95-1321.000
15. 99 Kivett Road, Harnett County, NC 27546
Lot 15; Deed 2197, Page 786
PIN on Property Tax info: PIN 0670-95-1229.000
16. 103 Kivett Road, Harnett County, NC 27546
Lot 16; Deed 2197, Page 786
PIN on Property Tax info: PIN 0670-95-1227.000

17. Vacant/Open lot, Harnett County, NC 27546
1.49 acres; Book 2197, Page 786, PIN 0670-85-
9374.000

- Five (5) properties located in Martin County, North Carolina. The Martin County property tax records list all five of these properties in the name of RC Realty, LLC, 1501 Pitty Pats Path, Zebulon, North Carolina 27597. The North Carolina General Warranty Deeds also list all five properties in the name of RC Realty, LLC, Zebulon, North Carolina, with the exception of the last three properties for which the deeds are listed to RC Realty, LLC, 5 West Hargett Street, Raleigh, North Carolina 27601. These five properties are assigned the following addresses:

1. 2334 West Timberlake Boulevard, Robersonville,
Martin County, North Carolina; Parcel ID #0701359
Deed Book S-21, Page 923
2. 303 Morten Street, Robersonville, Martin County,
North Carolina; Parcel ID #0700121
Deed Book V-21, Page 70; Book V-21, Page 72
3. 305 North Grimes Street, Robersonville, Martin
County, North Carolina; Parcel ID #0701201
Deed Book R-21, Page 156; Book J-21, Page 615
4. 502 West Green Street, Robersonville,
Martin County, North Carolina; Parcel ID #0701641

Deed Book R-21, Page 159; Book T-21, Page 80

Book K-21, Page 106

5. 205 Morten Street, Robersonville, Martin County,
North Carolina; Parcel ID #0701933

Deed Book R-21, Page 153; Book L-21, Page 281

- One (1) open/vacant beach front lot located within the Parish Westmoreland, Negril, Jamaica. The Transfer of Land, Office of Titles, Jamaica, shows the transfer of land from RBTT Bank of Jamaica Limited to AMST Holdings Limited, 125 Main Street, Road Town, Tortola, British Virgin Islands. AMST Holdings is a company that was formed by Thurman Herndon and Congleton to purchase this particular property. The certificate of title is registered at Volume 1375, Folio 829 of the Register Book of Titles. The transfer of land notes there are joint tenants and the document is signed by Thurman W. Herndon Jr., Director, and Ricky Congleton, Director;

AND WHEREAS, the United States published notice of this forfeiture at the www.forfeiture.gov web site for at least 30 consecutive days, between August 5, 2013 and September 3, 2013, as required by Rule G(4)(a)(iv)(C) of the Supplemental Rules for Admiralty of Maritime Claims and Asset Forfeiture Actions, and said published notice advised all third parties of their right to petition the court within sixty (60) days from the first day

of the publication date for a hearing to adjudicate the validity of their alleged legal interest in the forfeited property;

AND WHEREAS, the potential petitioners as to the subject properties in this criminal forfeiture action are listed as follows: a) RC Realty, LLC, b) Triple R Enterprises, LLC, c) Modupe Rouse Congleton, d) BB&T, e) Stock Building Supply, LLC, f) the Harnett County Tax Administrator, and, g) the Martin County Tax Administrator;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on RC Realty, LLC, c/o Ricky Congleton, Registered Agent, c/o Robert E. Nunley, Esq., via certified mail on January 2, 2014 by an agent of the U. S. Postal Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on Triple R Enterprises, LLC, c/o Gary Congleton, Registered Agent, via certified mail on October 23, 2013 by an agent of the U. S. Postal Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on Modupe Rouse Congleton, via certified mail on approximately January 2, 2014 by an agent of the U. S. Postal Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on BB&T, c/o David M. Warren, Esq., via electronic mail on September 11, 2013;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on Stock Building Supply, LLC, Attn: Legal Department, via certified mail on October 22, 2013 by an agent of the U. S. Postal Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on the Harnett County Tax Administrator, via certified mail on October 22, 2013 by an agent of the U. S. Postal Service;

AND WHEREAS, service of the Preliminary Order of Forfeiture was made on the Martin County Tax Administrator, via certified mail on October 22, 2013 by an agent of the U. S. Postal Service;

AND WHEREAS, service upon the subject real property was executed by posting of the Preliminary Order of Forfeiture on the property by an agent of the United States Marshal Service on November 1, 2013, with the exception of the real property located within the Parish Westmoreland, Negril, Jamaica;

AND WHEREAS, on October 1, 2013, a Petition of New Century Bank was filed in this action, and the United States has accepted the Petition and recognized the priority of Petitioner's lien;

AND WHEREAS, on November 20, 2013, a Petition of Stock Building Supply, LLC was filed in this action, and then, on January 7, 2014, withdrawn;

AND WHEREAS, it appears from the record that no other petitions or claims, contested or otherwise, have been filed for any of the subject property described in this Court's February 21, 2012 Preliminary Order of Forfeiture, other than those specifically mentioned herein;

It is HEREBY ORDERED, ADJUDGED and DECREED:


1. That the subject property listed in the February 21, 2012 Preliminary Order of Forfeiture is hereby forfeited to the United States, with the exception of the real property located within the Parish Westmoreland, Negril, Jamaica. The United States Department of Justice is directed to dispose of the remaining property according to law, paying in full the lien interest of New Century Bank, as set forth in its Petition, and all ad valorem taxes dues and owing.

2. No petitions having been filed by the other parties appearing in the real estate records, that is, RC Realty, LLC, Triple R Enterprises, LLC, Modupe Rouse Congleton, and BB&T, and the petition of Stock Building Supply, LLC having been withdrawn, leaving no interest to be adjudicated, all right, title and interest in the real property is vested in the United States, and these parties shall have no interest in or right in the real property or claim to the proceeds of sale of the real property. Pursuant to 21 U.S.C. § 853(n)(7), as made applicable by 18 U.S.C. § 982(b)(1), the United States shall have clear

title to the real property and may warrant good title to any subsequent purchaser or transferee.

3. Any and all forfeited funds shall be deposited by the United States Department of Justice as soon as located or recovered into the Department of Justice's Assets Forfeiture Fund in accordance with 28 U.S.C. § 524(c) and 21 U.S.C. § 881(e).

SO ORDERED this 16 day of June 2015.



JAMES C. DEVER, III
CHIEF UNITED STATES DISTRICT JUDGE

EXHIBIT 'A'

All that certain property situated in the County of Harnett, and State of North Carolina, being described as follows:

Lying and being in the Town of Buies Creek, Neill's Creek Township, Harnett County, North Carolina and being a portion of lands lying back of the late A.C. Ennis home place and inherited by Chester L. Ennis from his brother A.C. Ennis, deceased and described by metes and bounds as follows:

Beginning on the north margin of street leading from Main Street in said town by the J.C. Upchurch home and runs North 12 degrees 00 minutes 48 seconds East 263.90 feet to a large ash tree; Thence South 74 degrees 42 minutes 06 seconds East 24 feet to an existing iron pipe; Thence South 60 degrees 05 minutes 12 seconds East 222.61 feet to an existing iron pipe; Thence South 76 degrees 58 minutes 42 seconds East 75.89 feet to an existing iron pipe; Thence North 12 degrees 01 minutes 49 seconds East 67.70 feet to a new iron pipe; Thence South 82 degrees 04 minutes 59 seconds East 61.93 feet to an existing iron pipe Thence South 11 degrees 31 minutes 36 seconds West 242.30 feet to an existing iron pipe; Thence North 81 degrees 25 minutes 52 seconds West 376.20 feet to the beginning.

Containing 1.87 acres according to a map and survey by Ragsdale Consultants, PA PLS dates May 10, 1989. This survey is of record in Plat Cabinet 'D', Slide 126-A, Image # 8904341, recorded May 30, 1989 in the Harnett County Registry and said property is now known as Kivett Road Townhomes, recorded in Plat Book 2008, Page 791, Harnett County Registry and consisting, in part, of Lots 1 through 16 and surrounding Common Areas as shown on said plat referenced herein.